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DATA MANAGEMENT

In re Application of :
Ting He, et al :
Application No. 10800553 :
Filed: 03/15/2004 :
Attorney Docket No. **3994994-149832** :

This is a decision on the Renewed Petition to Withdraw Holding of Abandonment under 37 C.F.R 1.181 in Response to Decision mailed 7/19/2010, Request for Reconsideration, received in the United States Patent and Trademark Office (USPTO) August 31, 2010.

The petition is **DISMISSED**.

The application was held abandoned for failure to timely corrected drawings as required by the Notice of Allowability mailed June 10, 2009 which set forth a three (3) month statutory period for reply. The Notice of Abandonment was mailed on October 14, 2009.

Petitioner contends that drawings submitted on April 30, 2009, prior to the requirement made in the Notice of Allowability, met the sufficiency of reply for the corrected drawing requirement set out in the Notice of Allowability, in that the drawings submitted on April 30, 2009 contained a number identifying the columnar structure maintaining substrate electrode 46. It appears that petitioner seems to be asserting that the requirement set in the Notice of Allowability was not responded to because petitioner deemed it to be an erroneous requirement.

If it was in fact an erroneous requirement the Office may be able to act favorably towards the applicant. Therefore, the examiner was asked to review the requirement made in the Notice of Allowability and state if the requirement was in error. Specifically, the examiner was asked if the drawings submitted on April 30, 2009 did contain the required number identifying the columnar structure maintaining substrate electrode 46. The examiner replied that the April 30, 2009 drawings did not contain the required correction and the requirement was not made in error.

In view of the foregoing, the holding of abandonment for failure to timely submit corrected drawings can not be withdrawn and the application remains in an abandoned status.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

Under 37 CFR 1.137(a), a petition for the revival of an unavoidable abandoned application
Under 37 CFR 1.137(b), a petition for the revival of an unintentionally abandoned application

Further inquires with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail: Mail Stop Petitions
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 Office of Petitions
 P O Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.



Kimberly Terrell, Manager
Office of Data Management
Publications Branch